

Sixty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2165**

Introduced by

Senators Patten, Kannianen, Kessel

Representatives Bosch, Novak, Porter

A BILL ~~for an Act to amend and reenact subsection 5 of section 17-07-01 of the North Dakota Century Code, relating to duties of the energy policy commission; to provide an appropriation; and to provide for a transfer.~~ for an Act to amend and reenact subsections 1 and 3 of section 17-07-01 of the North Dakota Century Code, relating to membership of the energy policy commission.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

~~**SECTION 1. AMENDMENT.** Subsection 5 of section 17-07-01 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**5.** The commission may identify and make recommendations to the clean sustainable energy authority on technologies related to low-emission advancements. The recommendations may include consideration of advancements or developments that have led to increased economic benefits and positive environmental public health benefits for the citizens and visitors of North Dakota, including cleaner air, soil, and water; improved efficiencies; reduction of waste; lower carbon-intensive agricultural products or processes; and quantities of energy used. The recommendations also may consider other factors, including environmental, social, and governance policies and the effect on financial or capital markets. The commission shall consider and make recommendations on policies to ensure the availability of affordable, reliable, resilient, and sustainable energy in the state; to expand value-added energy; and to expand the opportunities to diversify the use of North Dakota's natural resources, which may increase state tax revenues. The commission shall study and evaluate critical energy infrastructure and shall make recommendations to ensure the state's comprehensive energy policy supports electrical grid reliability and resiliency and supports sufficient dispatchable generation capacity to avoid brownouts, blackouts, or outages. The~~

commission shall monitor the progress of implementing and achieving environmental benefits through the state's comprehensive energy policy.

~~SECTION 2. APPROPRIATION - TRANSFER - CLEAN SUSTAINABLE ENERGY FUND.~~

~~There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000,000, or so much of the sum as may be necessary, to the office of management and budget to be transferred to the clean sustainable energy fund for the purpose of repaying any outstanding balance to the Bank of North Dakota line of credit as authorized by section 54-63.1-07 or to fund loans authorized by the clean sustainable energy authority, for the biennium beginning July 1, 2023, and ending June 30, 2025. Up to \$50,000,000 of the funds may be used to provide grants as determined by the clean sustainable energy authority during the biennium beginning July 1, 2023, and ending June 30, 2025.~~

**SECTION 1. AMENDMENT.** Subsections 1 and 3 of section 17-07-01 of the North Dakota Century Code are amended and reenacted as follows:

1. The energy policy commission is composed of:
  - a. The commissioner of commerce, or the commissioner's designee;
  - b. A representative of the agriculture community appointed by the governor;
  - c. A representative recommended by the lignite energy council appointed by the governor;
  - d. A representative recommended by the North Dakota petroleum council appointed by the governor;
  - e. A member from the biodiesel or green diesel industry appointed by the governor;
  - f. A member from the biomass industry appointed by the governor;
  - g. A member from the wind industry appointed by the governor;
  - h. A member from the ethanol industry appointed by the governor;
  - i. A representative recommended by the North Dakota petroleum marketers association appointed by the governor;
  - j. A member from the North Dakota investor-owned electric utility industry appointed by the governor;
  - k. A member from the generation and transmission electric cooperative industry appointed by the governor;
  - l. A member from the lignite coal-producing industry appointed by the governor;

- 1           m.   A member from the refining or gas-processing industry appointed by the  
2           governor; ~~and~~  
3           n.   Additional nonvoting members appointed by the governor;  
4           o.   One member of the house of representatives, appointed by the legislative  
5           management; and  
6           p.   One member of the senate, appointed by the legislative management.  
7           3.   The ~~commissioner of commerce, or the commissioner's designee, is~~  
8           ~~chairman~~ legislative members are co-chairmen of the commission.